

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JANE DOE,

Plaintiff,

-against-

03 Civ. 3943 (DAB)
MEMORANDUM & ORDER

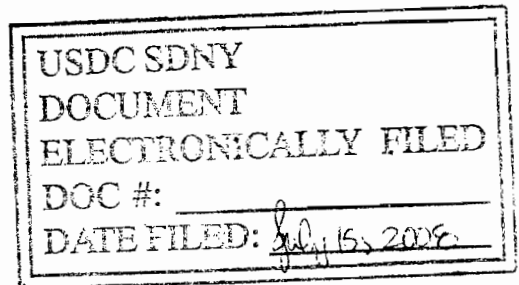
JOAN HARRISON, M.D., personally,
ALEXANDER DEUTSCH, M.D., personally,
ROSE YU-CHIN, M.D., personally,
ELLEN TABOR, M.D., personally,
BARBARA LUBRANO M.D., personally,
AARON BOGAD, personally,
NORBERTO TORRES, personally,
CABRINI MEDICAL CENTER, and
ARTHUR WEISS, M.D.,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

The Court is in receipt of yet another letter from Plaintiff requesting an extension of time to respond to Defendants' pending Motion to Dismiss for Failure to Prosecute. That letter was received by the Court on July 7, 2008, the date Plaintiffs response to Defendants' pending Motion to Dismiss for Failure to Prosecute was due.

On July 24, 2006, this Court granted in part and denied in part Defendants' Motion to Dismiss the Complaint. All of the Defendants in this case Answered the remaining claims by November 27, 2006. At a conference with the Parties on November 16, 2007, the Court learned that Plaintiff was refusing to provide authorizations and to release relevant medical records to Defendants. The Court Ordered that Defendants file a Motion to



Dismiss the Complaint for Failure to Prosecute by January 17, 2008; Plaintiff was Ordered to respond by February 29, 2008 and Defendants were Ordered to submit a reply, if any, by March 14, 2008.

On March 6, 2008, Plaintiff was given a two week extension to respond to the pending Motion to Dismiss for Failure to Prosecute. On March 26, 2008, Plaintiff was given an additional two week extension to respond to the pending Motion to Dismiss for Failure to Prosecute. On June 3, 2008, based on counsel's representations that the Parties had nearly reached settlement of the case, the Court granted plaintiff's third request for an extension of time to respond to the pending Motion to Dismiss for Failure to Prosecute; the Court Ordered that Plaintiff's response be submitted to the Court by June 26, 2008 and further advised Plaintiff that "No Further Extensions" would be granted. The Court received a letter from Plaintiff on June 20, 2008 stating that "the parties are extremely close to settling" and requesting that the Court reconsider its previous decision to grant no further adjournments. On June 24, 2008, the Court endorsed that letter, reconsidered its previous decision and granted an adjournment to respond to the pending Motion to Dismiss for Failure to Prosecute of 10 additional days, or until July 7, 2008.

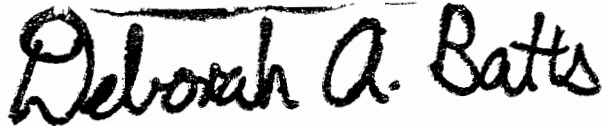
The letter the Court received from Plaintiff on July 7, 2008 requests "a little more additional time" to resolve the

litigation. In light of the fact that, to date, the Court has received neither a stipulation of dismissal based on settlement, nor a response to the pending Motion to Dismiss for Failure to Prosecute, the Court hereby denies Plaintiff's request for additional time to file a response, and deems Defendants' Motion to Dismiss for Failure to Prosecute fully submitted.

If this case has not reached a finalized settlement within 10 days of the date of this Order, this case will be dismissed for Failure to Prosecute.

SO ORDERED.

Dated: New York, New York
July 15, 2008

A handwritten signature in black ink, reading "Deborah A. Batts". The signature is written in a cursive, flowing style with a horizontal line above the name.

DEBORAH A. BATTS
United States District Judge